

GENERAL AND REVENUE SECRETARIAT.

1896-1897

~~19~~ .

(Muzrai)

File No. ⁷³~~73~~

(Section II)

Serial Nos. 1-4

Papers Filed.

Month October 1907

SUBJECT.

Sanctions Rupees twenty to incur an extra
expenditure for the institution of a suit in
civil Court to evict the occupant of the
and hillal from the possession, belonging to the
Sri Gajanya Sainya Temple at Nanigera Village,
Malkajgiri Taluk.

PREVIOUS REFERENCES.

LATER REFERENCES.

190 .

From

Secy. to the Govt of His Highness
the Maharaja of Mysore,
Genl. and Rev. Dept.

To

*The Deputy Commr,
Hassan D.C.*

Dated

Despatched 16-10-07

Received

General No. 1062
No. 773-96
Enclosure No.

In inviting attention to
Govt Pro: No. 1897-8 dated 12th
Oct. 1907, sanctioning a sum
of Rs 20/- for instituting a suit
in the Civil Court for evicting
the Pujari of the Sri Anjaneyaswami
temple at Kanyar in the Hakal.
and Darbar or his absence from
the house and hitherto belonging
to the temple, has the honor to
enquire what action has been
taken in the matter of instituting
the suit, and with what result
2. The favor of a very early
reply is requested

Per Secy.
80
9/10/07

Muz. 8A]

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Note continued.

The late Dewan Sri P. N. Krishna
Murti was thereupon of opinion that this
case in which the removal of the trespasser
from a house said to be the property of
the Kanigal Anjaneyaswami temple was
(linked file) in question and the other case in which
the payment of an enhanced assessment
on a land belonging to the Sugganahalli
Narasimhaswami temple by the lessee
thereof, who had acquired the status of an
occupant was in question, involved
an important principle regarding the
procedure to be adopted, namely as to
whether a regular suit should be filed
in a Court of competent jurisdiction or
whether the Muzrai Department of Govt.
had the power to deal with them summarily.
He therefore recommended to His Highness

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that the matter may be referred to Council His Highness having expressed his concurrence in the above views, the matter was circulated among the Councillors Messrs V.P. Madhava Rao (the present Dewan) and C. Sreenivasanjan.

The Councillors were of opinion that in the above cases, there was no other remedy than to have a recourse to a Court of competent jurisdiction. The late Dewan, having also agreed with them, recommended to His Highness that the above named questions might be ordered to be decided in accordance with the views expressed by the Councillors, and that for the future, a draft regulation might be ordered to be prepared in the legislative department in view to provide a speedier and less costly method of dealing with such cases where the endowments of Muzrai institutions had to be conserved against the greed of unscrupulous

Muzrai Secrétariat.

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Slip

persons into whose hands the properties might happen to go. Both the recommendations of the late Dewan were approved by His Highness, and orders were accordingly issued in the present case (of Sri Anjaneya Swami temple at Kanyar, Ankalpur Taluk) under Govt. Pro: No. 4498-509, dated 7th April 1906, directing that the Deputy Commissioner or any other accredited Manager of the temple should lay a suit before a Court of competent jurisdiction to evict the pujari or his alienee from the house and hithali of the temple belonging to the temple.

After the issue of the above orders, this file and also that relating to the enhanced assessment payable on the lands of Suggenaboli Narasimhaswami temple, were sent to the General and Revenue Secretariat for the

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needful preparation of the Draft Regulation alluded to above. The files were however returned to this Office for a digest or summary of the orders existing on the question being furnished. The required references &c are being collected.

With reference to the Govt. Pro: of the 7th April 1906 referred to above, the Deputy ^{Kanara Dt.} Commissioner now reports that there are no savings at the credit of the Sri Anjaneyaswami temple at Kanigar, that the villagers headed by Chinnasaniengar had first consented to ^{to recover the house and the huttalu for the temple, that they agree} contribute for expenses and file a suit, but that at present they have withdrawn stating that they cannot ^{make further} contributions and that the suit is deemed barred by limitation. The Deputy Commissioner however says that though the sale deed of the temple house and huttalu has been executed by the temple pujari in July 1895, the fact of the sale came to the

Muzrai Secretariat.

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knowledge of the villagers only on the 8th Nov 1895, when they petitioned in the matter, that therefore the adverse possession of the house and the hitalu should be deemed to run only from the latter date, and that therefore he is of opinion that there is time till the 8th Nov 1907 for filing the suit. The Deputy Commissioner further states that it will cost about Rs 20/- to meet the expenses of filing the suit in the Munsiff's Court at Hole Narsipur, and suggests that the charge for that ~~proposes to meet the charge~~ from the State Grant.

Subd with a Draft for approval

WV 9/11/07

The small sum of Rs 20/- asked for by the Dy Commr for filing the suit is up to be sanctioned from the sum of Rs. 500/- provided for repairs in 1895-96 and after the savings of the same up to 1900-01.

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Kindred a receipt.

Maintainance Fee

12/4/07

Added to the 2nd (1/2)

Approved Please make
sure (by a reference to the Govt
Advocate if necessary) that
the suit is not barred by limitation.

The legislation proposed
should be taken in hand early

KPN
12/8/07

Write to Govt Advocate Re

12/4/07

9/11
Bti Subd
GA

P.T.O.

Muzrai Secretariat.

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Note continued.

As directed ^{on page 28,} ~~above~~, the Govt. Advocate was written to. In reply, he states as his opinion, that if the occupation of the house in question by the pujari forms a portion of his wages, or in other words, if the pujari is entitled to remain in possession of the same as long as he continues to be the pujari, the cause of ~~adverse~~ action for recovering the property from him or from any person claiming under him a title created by him arises from the date of his death or dismissal from the office of pujariship and that his ~~his~~ successor in office can sue for the same within 12 years from the said date but that, if the house was merely an endowment to the temple unconnected

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with pujari's office and the temple manager for the time being has improperly alienated the same, a suit to recover possession of such property will be barred by the law of limitation on the expiry of 12 years from the date on which the alienee gets into possession.

Submitted with a Revised Draft

Issue the draft *ll*
12/10/07



SA
12/8/07

Early
10/8/07

1907-08.

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SL 1

FROM

K. R. Sreenivasengar, Esquire M.A.
Deputy Commissioner
Dassau District

To L. Ananthaswami Rao Esquire
Secretary to the Government P. S.,
of His Highness the Maharaja of
Mysore, Bangalore Department

Dated 5th Bangalore

Despatched 11 August 1907.

Received 8 August 07

General No. 59

No. 5

Enclosure No. V. P.

Subject

Submitting a report
concerning the alienation
of a house and bithallu
belonging to Sri Anjaneya-
swami temple at Kaniya
in the Arkalgud Taluk

1907-08.

Deputy Commissioner's Office
Kannur District

Date 5th August 1907.

No. 57
S

From,

M. R. Sreenivasalinga Esquire M.A.
Deputy Commissioner
Kannur District

To,

L. Ananthasami Rao Esquire B.A.
Secretary to the Government
of His Highness the
Maharaja of Mysore
Brihadi Department
Bangalore.

Sir,

Referring to Government

Order No. 4498-509 dated 7th April 1906
Directing that the Deputy Commissioner
or any other accredited manager of the
temple of Sri Anjaneya Swami at Kanyar
in the Arhalged Taluk, should lay a suit
before a competent Civil Court to
evict the Aluns from the house and
Nithals belonging to the temple, I
have the honour to state that on
receipt of the said order, the Amildar
of the Arhalged Taluk was directed (J. E.)
to

to report - as to the amount at the credit of the temple the particulars regarding the sum of Rupees 12/- that had been contributed by the devotees, - and also as to the persons who would come forward to conduct the suit in a civil Court. In reply thereto the Amildar reported that there was no money at the credit of the temple, that the villagers had agreed to bear any expense necessary for the suit, and that the contribution sum of Rupees 12/- had been in lapsed deposit, and that the villagers had requested Chimmamangas and four others to conduct the suit in a civil Court.

2. Steps were taken to get the amount refunded from lapsed deposit and Chimmamangas and others were asked to file a Suit. The latter first pleaded their inability to conduct the suit, but subsequently when asked to contribute further for the expenses of the suit, stated that

that they would themselves file
a suit if the original contribution,
and all references were handed
over to them. Accordingly they
were given all the references, ^(on 7.3.1907) and ^{of}
on 3rd July last they returned all ^{of}
the records on the ground that
some lawyers whom they consulted
were of opinion that the suit
was barred by limitation, and
that some of the villagers had
declined to contribute any amount
towards the expenses of the suit.

3. Though the document
for the sale of the house
was executed on 4th July 1895;
the matter of the alienation of
the property in question appears
to have been brought to the
notice of the Government Authorities
only on 8th November 1895, when
the villagers presented a
petition to the Assistant Commis-
sioner. The villagers interested
in the temple do not appear to have
had

had knowledge of the alienation till the said date, as is apparent from the petition. The period of limitation therefore commences to run from 3rd November 1895, when, it can be said, the alienee came to have the possession of the house adverse to the interests of the temple. There seems to be time therefore for filing a Suit till 4th November next.

4. There being no amount at the credit of the temple, the sum of Rupees 12/- available for expenses is quite inadequate, and I therefore solicit orders of Government to incur extra expenditure necessary for entrusting the case to a Lawyer at Holiharsipur, for a suit being filed in the Munsiff's Court in the said place. The extra amount which may be estimated at about Rs: 20/- will have to be advanced from the Inugrai State grant, for which a bill will be submitted in due course.

5. The Vernacular papers are herewith submitted for reference and kind return.

I have the honour to be,
Sir,
Your most obedient Servant

Deputy Commissioner
Hassan District

Draft as per his orders.

Muz. 1 A]

MUZRAI SECRETARIAT.

190 — 190

SL 2

From

L. ANANTASAMI RAO, Esq., B.A.,
Secretary to the Government of
H. H. the Maharaja of Mysore,
Muzrai Department.

To

The Govt. Advocate,
Bangalore

Dated

Despatched

14.9.07

Received

General No.

Muzrai F. No.

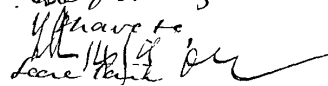
Enclosure No.

Sir,

In forwarding herewith
the entire file of papers ending
with the Hassan Deputy Commissioner's letter No. 59, dated 5th
August 1907, in the vicinity
of the pujaari ~~and his addresses~~ of
the Sri Sujanayagawani temple
a muzrai institution
at Kanjar in the Brahalga
Taluk, a his alienances from the
house and hitherto belonging
to the temple, I am directed

* the Police Officer

state that Govt in their Pro
no 4498-509, dated 7th April 1906,
directed that the Deputy Commissioner
or any other accredited Manager
of the Temple should lay a suit
in a Court of competent jurisdiction
for the said eviction. The Deputy
Commissioner now states that the
residents of the Kamyan village
represent that some of the local
lawyers are of opinion that ~~as~~
the deed of sale of the house and
bath in question having been
executed on the 4th July 1895, the
suit is barred by limitation, but
that he himself (the Deputy Commr)
is of opinion that the matter of the
eviction having been brought to
the notice of the Govt authorities only
the 8th Novr 1895, when the villagers
presented a petition to the Asst Commr
there is time till the 7th Novr 1907, for filing
suit by him.

In these circumstances, I am to request the
hon of your opinion as to what then there is
yet time to institute the suit. ~~The first~~ very
early reply is requested. (as order) I have to
leave this. 

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Encl. 1 file

SA

*SA. please continue
work at once
by 16/9/07*

SL. 3

Office of the Government Advocate in Mysore.

Bangalore dated, 16th September 1907.

1277
16.9.07

From,

S. Narayana Rao, Esquire.

Government Advocate in Mysore,

B a n g a l o r e .

To,

L. Anantasami Rao, Esquire, B.A.,

Secretary to the Government of H.H. the Maharaja
of Mysore, Muzarai Department.

Sir,

In reply to your letter No.1486 dated the 14th ---

Instant, I have the honour to state that if the occupation of the house in question by the pujari forms a portion of his wages, or in other words, if the pujari is entitled - to remain in possession of the same as long as he continues to be the pujari, the cause of action for recovering the property from him or from any person claiming under a --- title created by him, arises from the date of his death - or dismissal from the office of pujariship. His succesor in office can sue for the same within 12 years from the - said date. If on the other hand, the house was merely an endowment to the temple unconnected with pujari's office and the temple manager for the time being has improperly alienated the same, a suit to recover possession of such

property will be barred by the Law of Limitation on the
expiry of 12 years from the date on which the alienee -
gets into possession.

The file of papers received with the above is -
herewith returned.

I have the honour to be

Sir,

Your most obedient servant.

S. Narayana Rao
Government Advocate.

*142/9
Leave Dept. P. V.*

Proceedings of the Government of H.H. the Maharaja of Mysore.

M U Z R A I .

SL 4

Read:-

Govt Pro No. 4498-509, dated the 7th April 1906, directing that the Deputy Commissioner of the Hassan District or any other accredited Manager of the Sri Anjaneyaswami temple, a Muzrai Institution at Kanigar in the Arakalgud Taluk, should lay a suit in a court of competent jurisdiction for evicting the temple pujari or his alienee from the house and hittalu belonging to the temple.

Letter No. 59, dated 5th August 1907, from the Deputy Commissioner, Hassan District, reporting that the temple having no savings at its credit, the villagers contributed Rs 12 for carrying on the suit, but that they have now withdrawn from proceeding further in the matter, and therefore soliciting sanction to incur an extra expenditure of Rs 50 for the institution of the suit and the incidental expenses connected therewith.

Letter No. 43, dated 16th September 1907, from the Govt Advocate in Mysore.

Order thereon:- No. 1897-8 Dated Bangalore, ¹² October 1907.

The sum of Rs 20 applied for by the Deputy Commissioner for the conduct of the suit in question is sanctioned, the charge being met from the sum of Rs 500 provided out of the funds of the Sri Chamarajewara and the Sri Vulasowara temples for miscellaneous and unforeseen expenditure referred to in para 18 of Govt Pro No. 2892-901, dated 19th March 1904.

2. A copy of the Govt Advocate's letter of the 16th September 1907 read above is herewith forwarded to the Deputy Commissioner for information.

[Signature]

Secretary

To,

The Deputy Commissioner, ~~Hassan~~ District, returning enclos.
,, Comptroller to the Govt of H.H. the Maharaja of Mysore.